



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 28, 1994

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR94-753

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 29668.

The City of Houston (the "city") received a request for the name of the facility that performed a physical examination on an applicant for a taxicab driver's license. The city claims the information is excepted from required public disclosure under section 552.101 of the Government Code.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The city claims that the requested information is contained on a medical report made confidential by the Medical Practice Act, V.T.C.S. art. 4495b, § 5.08(a), (b). Subsections (a) and (b) of section 5.08 of the Medical Practice Act provides that:

(a) Communications between one licensed to practice medicine, relative to or in connection with any professional services as a physician to a patient, is confidential and privileged and may not be disclosed except as provided in this section.

(b) Records of the identity, diagnosis, evaluation, or treatment of a patient by a physician that are created or maintained by a physician are confidential and privileged and may not be disclosed except as provided in this section.

The requestor is seeking only the name of the facility that performed the physical examination. Once all the other information is redacted, we do not believe that the name of the facility on its own constitutes a "[c]ommunication[]" between one licensed to practice medicine, relative to or in connection with any professional services as a physician to a patient" or a "[r]ecord[]" of the identity, diagnosis, evaluation, or treatment of a patient by a physician "Accordingly, the city may not withhold the name of the facility (the highlighted portion of the submitted records) once all the other information is redacted. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/LBC/rho

Ref.: ID# 29668

Enclosures: Marked documents

cc: Ms. Becky Ford
Senior Examiner
Life Claims - Mail Code 2085
American General Life and Accident Insurance Company
American General Center
Nashville, Tennessee 37290-0001
(w/o enclosures)